

**CALIFORNIA COMMISSION ON DISABILITY ACCESS  
FULL COMMISSION  
MEETING MINUTES**

**July 29, 2015**

**1. CALL TO ORDER**

Vice Chair Steve Dolim welcomed everyone and called the meeting of the California Commission on Disability Access (CCDA or Commission) to order at 10:06 a.m. at the California Victim Compensation and Government Claims Board, First Floor Board Room, 400 R Street, Sacramento, California 95811.

**ROLL CALL**

Commissioners Present:

Steve Dolim, Vice Chair  
Ida Clair, designee of Chester "Chet"  
Widom, State Architect  
Chris Downey  
Scott Hauge  
Assembly Member Chad Mayes  
Celia McGuinness  
Lillibeth Navarro  
Michael Paravagna  
Anthony Seferian, designee of Attorney  
General Kamala D. Harris  
Assembly Member Tony Thurmond  
Douglas Wiele  
Betty Wilson  
Laurie Cohen Yoo (via teleconference)

Commissioners Absent:

Guy Leemhuis, Chair

Staff Present:

Angela Jemmott, Executive Director  
Addison Embry, Program Analyst  
Brandon Estes, Program Analyst  
Fajola Jackson, Office Administrator

Also Present:

Neal Albritton, ADA Coordinator, City of Sacramento, City of Sacramento Disability  
Advisory Commission  
Dawn Anderson, As It Stands (via teleconference)  
Frank Alvarez, Chief, California Department of Motor Vehicles Investigations Division  
Mary Bianco, Commander, Northern Area, California Department of Motor Vehicles  
Shira Leeder, City of Berkeley Commission on Disability, Californians for Disability Rights  
Tiffany Potter, Vice Chair, Disability Advocates Commission, City of Fresno

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Jeffery Tardaguila, Physical Access Disability Commission  
Hazel Weiss, Chair, City of Berkeley Commission on Disability  
Sonya Wiley

Staff Member Estes called the roll and confirmed the presence of a quorum.

**PLEDGE OF ALLEGIANCE**

Vice Chair Dolim led the Commission in the Pledge of Allegiance.

**HOUSEKEEPING ITEMS**

Vice Chair Dolim thanked Assembly Members Mayes and Thurmond for their attendance in today's meeting. Chair Dolim reviewed the meeting protocols.

**2. APPROVAL OF MEETING MINUTES (APRIL 22, 2015) – ACTION**

**MOTION:** Commissioner Downey moved to approve the April 22, 2015, California Commission on Disability Access Full Commission Meeting Minutes as presented. Commissioner Paravagna seconded. Motion carried unanimously with one abstention.

**3. COMMENTS FROM THE PUBLIC ON ISSUES NOT ON THIS AGENDA**

Dawn Anderson, of As It Stands, stated the electrical vehicle charging stations are not accessible to people with disabilities, and the language proposed by the Division of the State Architect (DSA) in the Chapter 11 amendment does not provide full and equal access or protections provided under the Americans with Disabilities Act (ADA). She asked the CCDA to look into this and provide a position statement on the proposed text to the California Building Standards Commission (CBSC) on how to move forward.

Jeffery Tardaguila, of the Physical Access Disability Commission (PADC) in Sacramento County, spoke about the new requirements for the parking placards that came out in June. He stated he was sorry the Santa Cruz Commission was unable to attend today's meeting. They have been a model for the PADC on how to address issues such as the inaccessibility in polling places. He requested to be on the CCDA's mailing list.

**4. LOCAL DISABILITY COMMISSIONS – PRESENTATION UPDATES**

**a. Sacramento (city)**

Neal Albritton, the ADA Coordinator for the city of Sacramento, and of the Sacramento Disability Advisory Commission, stated he looks forward to collaborating more closely with the CCDA in the future. A complaint process has been established to address access issues; Mr. Albritton invited individuals to contact him directly to report concerns in the right-of-way.

Mr. Albritton stated the city of Sacramento is working on increasing accessibility in the new Sacramento Entertainment and Sports Center, the parking lots in the downtown area in the vicinity of the new arena, the Old Sacramento boardwalk, the Delta King ramp, City Hall, and local sidewalks. The city is collaborating with the Sacramento

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County ADA Coordinator, Caltrans, Regional Transit (RT), and Paratransit to remove barriers in the right-of-way. Work continues on the city of Sacramento's transition plan, which involves addressing the accessibility issues of over 450 facilities and their rights-of-way, and prioritizing the barriers to access on each one.

The Disabilities Advisory Commission meets monthly at City Hall on the third Thursdays at 6 p.m. and is currently recruiting commissioners.

**Commissioner Questions and Discussion:**

Commissioner McGuinness asked what the role of the ADA coordinator is in relation to businesses. Mr. Albritton stated the ADA coordinator breaks all barriers to access, teaches businesses how to comply with access issues, and addresses complaints effectively. He stated he works with the Community Development Department, building officials, and code enforcement when he receives a complaint to remediate any violations of the California Building Code (CBC). He receives 30 to 40 calls per day.

Commissioner Hauge asked how many cities and counties have disability commissions. Mr. Albritton stated he did not know, but all cities and counties he has been in communication with have some sort of advisory commission.

Commissioner Hauge asked if Sacramento has enough Certified Access Specialists (CASps) to serve the business community. Mr. Albritton stated it has exceeded its CASp requirement and is continually providing up to date training.

Chair Dolim asked how many CASps are on staff. Mr. Albritton stated the city of Sacramento has more than twenty CASps on staff and also outsources when necessary.

Commissioner Paravagna asked about commissioner recruitment efforts and the successes and challenges of keeping the group together. Mr. Albritton stated he has a large cross-disability network, but, when a vacancy arises, the response to recruitment is low. It is difficult to locate individuals with disabilities who have both an interest in ensuring accessibility and technical understanding.

Commissioner Navarro referenced the earlier public comment about electrical charging stations and asked if Mr. Albritton had received any feedback from the community on that issue. Mr. Albritton stated he has not received any concerns from the community on this issue, but it may be because his department is not linked to address the access of the units. He offered to assist with getting the word out.

**b. Berkeley (city)**

Hazel Weiss, the Chair of the city of Berkeley Commission on Disability (BCOD), stated the BCOD is made up of nine positions, primarily of persons who have disabilities, individually appointed by the mayor and city council members. It is charged with actively promoting the total integration and participation of persons with disabilities in all areas of economic, political, and community life.

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Ms. Weiss highlighted two current priorities the BCOD is working on: increasing access in the built environment by incorporating principles of universal design; and eliminating barriers to access for people with disabilities who are accompanied by service animals. The BCOD is also closely following the issue of disabled placard abuse.

Shira Leeder, a member of the BCOD and of Californians for Disability Rights (CDR), thanked the CCDA for inviting them to speak today. Sonya Wiley read a statement on behalf of Ms. Leeder highlighting the work of these organizations through the Subcommittee on the Convention on the Rights of Persons with Disabilities (CRPD) and the Parking, Transportation, Pedestrian Safety, and Sidewalk Subcommittee.

**Commissioner Questions and Discussion:**

Commissioner Thurmond stated his office is happy to continue to work with Ms. Weiss and Ms. Leeder to address access and sidewalk concerns in the city of Berkeley. He asked where opportunities may exist for the access commissions in all cities in the 15<sup>th</sup> District to work together to address regional concerns, and how he, as the representative of the 15<sup>th</sup> District, can work more closely with them.

Ms. Weiss stated there are opportunities that would benefit the district, beginning with information sharing. The differing constraints on representation need to be researched. In the meantime, the Bay Area Disability Commissions Group, an informal multi-city group, has begun to meet, and other cities have indicated they are interested in joining. Ms. Weiss stated it is important to move forward with that collaborative group while keeping in accord with individual committee charges.

Ms. Leeder stated it would be helpful to obtain more information from the state.

Commissioner Thurmond suggested meeting with the commissions and the Bay Area Disability Commissions Group for their perspective and advice on some of the bills that have come forward. He stated he will work with the cities to lend support to information sharing as requested. His staff will follow up with Ms. Weiss and Ms. Leeder.

Commissioner McGuinness asked if the city of Berkeley has a way to register complaints and keep track of those issues. Ms. Weiss stated the Disability Services Specialist of the city of Berkeley Office of Access Services handles ADA coordination and complaints. Service animal access is one area where business owners call in, because they do not know what their rights are.

Commissioner McGuinness stated the Department of Justice (DOJ) recently posted expanded comments on the ada.gov website on the rights and responsibilities of service animal owners. Ms. Weiss stated the BCOD will be recommending to council to forward it to all businesses posted on the city's website.

Commissioner McGuinness asked Ms. Leeder to elaborate on why Senate Bill (SB) 251 is a problematic bill. Ms. Leeder stated individuals who have a disability have a right to accessibility under the ADA on a federal level and should on a state level, too.

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Chair Dolim asked about the format of the city's advice to business owners about service dogs. Ms. Weiss stated it is a three-page handout on what the ADA says about access for service animals. All annual business license renewals include information on service dog access and the business's rights and responsibilities. Chair Dolim asked Ms. Weiss to forward a copy to staff to be used as an example to other cities.

**c. Santa Cruz (county)**

This agenda item was not addressed.

**d. Fresno (city)**

Tiffany A. Potter, the Vice Chair of the city of Fresno Disability Advisory Commission, stated the commission is a seven-member body appointed by the mayor and city council. Five members are required to have a disability. The commission is involved in ongoing efforts to ensure the accessibility of the city's programs, services, and activities, and to advise the mayor and city council's committees on issues affecting those with disabilities.

Ms. Potter stated the city of Fresno is currently working on the development code for garage setbacks, ADA Title II civic access benchmarks, website and technology accessibility, Fresno Area Express Braille next bus signs, and citywide development code updates. Ms. Potter provided a sample of a tri-fold brochure that is used for outreach to the public containing advisory commission meeting dates, and a handout for businesses answering questions about the ADA.

**Commissioner Questions and Discussion:**

Commissioner McGuinness asked if there is a complaint process established in Fresno for access violations and what resources the city puts into resolving those complaints. Ms. Potter stated the ADA coordinator receives complaints and follows the grievance procedures for ADA complaints updated by the Disability Advisory Commission in 2014.

Commissioner Downey asked what the commission or the city of Fresno is doing to encourage small businesses to comply with the ADA. Ms. Potter stated she is a consultant and special advisor for the state of California; she was brought in by the ADA coordinator to offer training for business owners on disability issues. The website directs business owners to contact the ADA coordinator directly about the ADA.

Commissioner Paravagna asked if Ms. Potter had any suggestions or guidance to encourage dialogue between the disability and business communities. Ms. Potter stated it is a continuous conversation. When she has conversations with business owners about the ADA, she helps them understand that it is a civil rights issue; accessibility gives everyone a chance to be included in the community.

Commissioner Paravagna stated it is important to focus on relationship-building rather than myths and stereotypes. Ms. Potter agreed that it does not come with a tri-fold brochure or a PSA, but through compassion and inclusivity.

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**Action Items:**

- No action items.

**5. SUBCOMMITTEE – UPDATES**

**a. Checklist Committee**

Vice Chair Dolim, the chair of the Checklist Committee, stated the Checklist Committee completed a tri-fold checklist for use by trained building officials as mandated in statute. Building officials typically visit each site 40 to 60 times, but oftentimes ADA accessibility issues are not identified until the final inspection. The checklist identifies the phase of construction where accessibility issues can be more effectively dealt with to save time, money, and resources. The checklist is available in electronic form on the CCDA website. It is downloadable in Word, so it allows for customization.

The checklist was launched on April 22<sup>nd</sup> in San Francisco in coordination with the San Francisco Access Appeals Board. The CCDA put together a panel of dedicated, skilled volunteers from many organizations to answer questions as part of the presentation. Vice Chair Dolim thanked the panel members for their support during the event and thanked the Checklist Committee Members for their part in putting together the checklist to help building officials be more effective.

The checklist is being disseminated throughout the state and has sparked interest across the country and internationally.

**Commissioner Questions and Discussion:**

Commissioner Downey suggested encouraging building departments to make the checklist available to builders and contractors requesting permits, which enables them to streamline the process and helps them do their job.

Chair Dolim asked staff to contact the Contractors State License Board and the Professional Engineers License Board to ask if they will post the checklist.

**Public Comment:**

Sonja Wiley asked if accessibility is mandatory or up to each business. She gave the example of stairs leading up to her client's dentist and the difficulty of carrying her client and the chair up the stairs. Commissioners suggested that the dentist meet the patient in a colleague's accessible facility, that the dentist get a CASp inspection – they may discover there are easy barriers to be removed, which they are obligated to look into, and that the dentist read Vice Chair Dolim's article outlining the steps, which was published in the California Dental Association Journal last year.

**b. Education and Outreach Committee**

Commissioner Betty Wilson, the chair of the Education and Outreach (E&O) Committee, summarized recent E&O events:

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- A 25<sup>th</sup> anniversary of the ADA celebration and launching of the CCDA checklist for field inspectors was held at the San Francisco Town Hall in collaboration with the San Francisco Access Appeals Board and San Francisco Small Business Commission. Press releases were sent out prior to the event. The CCDA participated in a pledge and recommitment of its mission and strategic goals to ensure that they continue to address the growing needs of the community.
- A CCDA Commissioner appeared on Janet's Planet in Los Angeles, a radio show dedicated to bringing concerns of the disability community to the public.
- Commissioner Wilson was invited to speak to the UN Committee in New York. The CCDA and California cities are international models for disability access.
- The Small Business ADA Workshop was held at the Moreno Valley City Council Chambers in collaboration with the DSA and the Civil Justice Association. The workshop provided information about CASps, the Top Ten violations, and the importance of preparedness in facilities. The California Governor's Office of Business and Economic Development (GO-Biz) was one of the presenters. A survey was created for small business owners attending the event.

Commissioner Wilson suggested including representative landlords, chambers of commerce, and associations such as the restaurant association in the Checklist Committee to create a consumer guide for the business community and general public in multiple languages and in formats that are saleable, marketable, and understood.

**Commissioner Questions and Discussion:**

Vice Chair Dolim stated the city of San Francisco's building, public works, and planning departments had become segregated. Someone on staff pulled the departments together into a team that was more responsive and helped the San Francisco event succeed. It was a good program that probably has a broader application. Commissioner Hauge stated the advocate that brought the departments together for this event was the San Francisco Small Business Commission, the only charter Commission in the United States, passed by the voters. Commissioner Wilson agreed that more collaboration is necessary to further goals.

Commissioner Hauge stated Jesse Torres, recently appointed by the governor as Deputy Director for Small Business and Small Business Advocate in GO-Biz, was in attendance at the Small Business ADA Workshop. There are opportunities for the CCDA to collaborate with Mr. Torres and GO-Biz.

Commissioner Navarro asked if there is a section of the ADA Accessibility Guidelines (ADAAG) for the safe use of temporary assistive technology (AT) to provide temporary access to events or businesses. She stated her center loans out ramps but, for business liability and public safety, there should be specific guidelines for the safe use of AT.

**c. Legislative Committee**

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Commissioner Michael Paravagna, the chair of the Legislative Committee, stated there has been one Legislative Committee meeting since the last full Commission meeting. The Committee, along with the executive director, has had conversations with members of the Legislature and the governor's office about the role of the Commission as it relates to legislative activities. The Committee was advised that the greatest role the CCDA can take is that of an advisor to research and facilitate information that legislators and the governor's office can use to mold policies and legislation.

Commissioner Paravagna stated the CCDA has a nine-goal strategic plan. To facilitate some of those goals will require legislation. The Committee selected three goals – goals 4, 5, and 6 – to focus on first. He summarized the activities of the Committee:

- Working on the structure, organization, and clarification of the mission of the Committee that will also serve to clarify the mission of the CCDA
- Facilitating and balancing discussion between the business and disability communities to bring the best thoughts forward to address the selected goals
- Introducing legislative concepts
- Developing two budget change proposals (BCPs) to augment the CCDA budget
- Monitoring pending bills

**Action Items:**

- Staff is to contact the Contractors State License Board and the Professional Engineers License Board to ask if they will post the checklist.

**6. EXECUTIVE REPORT – EXECUTIVE DIRECTOR ANGELA JEMMOTT PRESENTATION**

**a. General Board Operational Updates**

Executive Director Jemmott stated part of the year-end process was done with the FI\$Cal system, a new accounting service for state agencies. The budget was spent to the last penny. The majority of the \$511,000 budget was used for staff salaries with not much left for program services. The budget for next year has been increased to \$526,000. The events in Los Angeles and San Francisco were able to happen due to donated facilities and other in-kind donations.

**b. CCDA Staffing**

Executive Director Jemmott introduced Fajola Jackson, the new office administrator, and stated the CCDA is fully staffed for the first time since its inception. A volunteer was also hired from the Department of Rehabilitation (DOR).

The CCDA now requires additional office space. Staff has had conversations with the Department of General Services (DGS) and has identified a vacant space in an accessible location, but the Commission will require additional funding to acquire the space. The budget change cycle is on September 2<sup>nd</sup>, and the cost of the larger space will be included in one of Commissioner Paravagna's BCPs. Part of the other BCPs will



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be used for additional staffing to meet the needs of the outreach efforts and the work that is required of the Commission.

**c. Data Collection**

Executive Director Jemmott stated the data collection process is ongoing. The data from federal and state cases for January through April were almost equal. The Research Committee will meet for the first time on August 5<sup>th</sup> and will delve deeper into the data collection process.

**d. Outreach Efforts**

Executive Director Jemmott stated the outreach efforts discussed earlier today have come from invitations or have been subsidized through collaborative efforts. The Commission will continue to look for ways to outreach and educate without the use of CCDA funding. Along with the other examples provided earlier, she added that the checklist and the survey were translated into Spanish by staff.

**Commissioner Questions and Discussion:**

Vice Chair Dolim asked for an update on the proceeds gathered through the dollar business surcharge. Executive Director Jemmott stated there have been no collaborative discussions between the mandated agencies about the dollar business surcharge. Chair Dolim asked staff to continue to provide updates.

Vice Chair Dolim asked for an update on cities with CASp-on-staff requirements. Executive Director Jemmott stated there is a law that requires cities to have a CASp consultant or staff member. She stated her understanding is that this has been done, but she has not received information on the consistency of CASp utilization.

Commissioner Paravagna stated the Commission broke even last year due to salary savings and the small increase this year will not offset it. It is easier to make adjustments at the beginning of the year. He asked what the Commission can do to assist staff. Executive Director Jemmott suggested seeking sponsorships of the quarterly full Commission meetings or video-linking half the meetings to save the cost of travel, which is one of the largest expenses. The DOR and the DSA have several video-linked locations they may be willing to share.

Commissioner Downey stated it is important to know that building departments have relationships with CASps. Perhaps the easy, blended way of self-reporting and auditing is to research who they are.

Commissioner McGuinness agreed. She suggested assigning the task to the Research Committee to see what the most efficient way is to find out what the reality is.

Commissioner Claire stated she receives many calls from the public saying their building departments do not have a CASp. The DSA tells the public that hiring a CASp is voluntary and the individuals are directed to what the state law says. The DSA directs individuals to inquire if they are being charged the one dollar business license fee.

**Action Items:**

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- Staff is to provide updates on the proceeds gathered through the dollar business surcharge.
- Staff is to invite Commissioner Claire to be on the Research Committee.

**7. PRESENTATION – “DISABLED PLACARD ABUSE”**

**Presenters:**

**Frank Alvarez, Chief, California Department of Motor Vehicle (DMV)  
Investigations Division**

**Mary Bianco, Commander of the Northern Area**

Frank Alvarez provided an overview of the efforts of the DMV to enforce disabled placard abuse:

- The DMV Investigation Division is comprised of 400 peace officers: 244 sworn and 156 unsworn
- 18,000 complaints came in last year, part of which were about placard abuse
- The department actions are reactive – they get complaints and then go out and do enforcement actions

In the last fiscal year, the DMV’s performance measure was to increase the number of actions as a result of disabled placard investigations by 30 percent compared to last year. That goal was exceeded – it was 65 percent. There were approximately 1,300 complaints investigated and 783 enforcement actions taken statewide: 8 verbal warnings, 179 by letter, 14 internal citations, 4 felony arrests, 1 misdemeanor arrest, and 577 misdemeanor citations filed by attorneys. There are currently 1,200 open cases related to disabled placard fraud.

Mary Bianco, the Commander of the Northern Area, provided an overview of Operation Blue Zone (OBZ), an effort to crack down on fraudulent applications for disabled parking placards:

- First conducted in the Bay Area beginning in 2014 as a means of more proactive enforcement
- Investigators work closely with field offices statewide
- Field offices notify local district investigation offices of possible fraudulent activity
- HIPAA has been an obstacle to the verification of disability information
- Investigators alternatively focus on verifying the information on the application and the authenticity of the applicants’ and doctors’ identity and signatures
- Investigators submit their cases to district attorneys’ offices; of the 98 cases generated, 16 cases have been closed by convictions with charges such as perjury, filing false information with the state, forgery, unauthorized use of personal identifying information, and commercial burglary

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- There are currently 43 Operation Blue Zone cases open

Mr. Alvarez stated the DMV has nine divisions. Some questions by Commissioners could best be answered by representatives from the other eight divisions. He stated he will send a list of contacts for the other divisions that may be available to present in the October CCDA meeting to staff before the September Executive Committee meeting.

**Commissioner Questions for Other DMV Divisions:**

- How many placards are there in the state?
- What is the percentage of placards to population?
- Does that percentage match with the information from the medical community on the percentages of each type of disability?
- Is the DMV database being updated and managed?
- Is the DMV database searchable and manageable?
- Is the DMV database managed at a state level or in the field offices?
- Is the DMV tracking doctors that authorize the distribution of placards?
- Is the DMV tracking placard holders that move away or pass away?
- Does the DMV database track trends to work on a more proactive level?
- Are temporary disability placards turned in when they are no longer needed?
- What is the recall rate?
- What the Commission can do to help make the DMV's work easier?
- Who tracks the monetary penalty for parking violations and where does it go?

**Commissioner Questions and Discussion:**

Commissioner Hauge asked if the DMV is involved in giving citations or if they just investigate the applications. Mr. Alvarez stated it depends on the area. Investigators have given citations in jurisdictions such as in San Diego, but they must see an individual drive in or out of a space. For officer safety, typically, four investigators go to a location and monitor spaces that might result in multiple citations. Often, disabilities are not visible; many times, doctors cannot share that information because of HIPAA.

Commissioner Paravagna asked about the differences in activities between a misdemeanor and an infraction. Mr. Alvarez stated, in an infraction, code enforcement leaves a ticket associated with fines on the window because they did not see a placard hanging. There is a vehicle code section that clearly states that using a placard that belongs to someone else is a misdemeanor.

Commissioner Navarro asked if the 244 sworn officers are DMV personnel. Mr. Alvarez stated they are all DMV investigators.

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Commissioner Navarro asked if individuals with disabilities can submit a report of placard abuse. Mr. Alvarez stated the DMV has an online complaint form, INV-172a.

Vice Chair Dolim asked if the 244 sworn investigators solely investigate placard abuse complaints. Mr. Alvarez stated they investigate a variety of complaints and the 156 unsworn investigators support them.

Commissioner McGuinness asked Mr. Alvarez to identify what would help the DMV enforce this law. Mr. Alvarez suggested something legislative that would give more latitude for information-gathering to combat the HIPAA issue.

Commissioner McGuinness asked if there was room for improvement of either enforcement or cooperation with local attorneys that would boost the ratio of investigations to cases filed. Commander Bianco stated cases still could be pending review from DAs. DAs may not file because they do not feel there is strong enough evidence to support a claim.

Commissioner McGuinness asked if DAs have the same priorities that the DMV does. Commander Bianco stated DAs in the Bay Area have been cooperative.

Commissioner Paravagna stated some doctors may not be forthcoming because they are overprescribing. Mr. Alvarez agreed and stated the investigators are not allowed to question doctors but can only look for patterns of excessive prescriptions.

Commissioner Navarro stated social security, worker's comp, and paratransit require rigorous testing. She suggested a place for the DMV to start may be individuals who have passed those tests because doctors are involved there and cannot overstate the medication condition. Mr. Alvarez stated he will bring that recommendation to the director of the department.

**Public Comment:**

Ms. Leeder asked how to report abuse of parking placards in public places when the space is vacated before she can get the information to report it. Mr. Alvarez stated it is hard to target a specific individual without their identification. They may eventually return; enforcement does saturate the area when complaints come in.

Ms. Leeder stated many disabled persons park in the accessible van spots, which makes it difficult for individuals that require those spots for their wheelchairs. She suggested developing a system of disabled parking for degrees of ambulation.

Ms. Wiley asked if driver's licenses are suspended for misuse of placards. Mr. Alvarez stated he does not believe any enforcement actions have resulted in suspensions of driver's licenses.

Mr. Tardaguila stated he appreciated the new placard that stays with the individual. He stated the DMV needs to do a better job of examining permanent licenses, improving enforcement, improving the accuracy of the DMV database, and recalling placards for

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individuals who move out of state. He suggested putting California identification card numbers on placards as a way to eliminate non-drivers from the equation.

**Action Items:**

- No action items.

**8. PRESENTATION – “LEGISLATION CREATING CITYWIDE PROGRAM TO ADDRESS ACCESSIBILITY ISSUES AT PLACES OF PUBLIC ACCOMMODATION”**

Commissioner Downey provided a summary of the legislation for a program for quicker accessibility compliance as announced at an event he attended in San Francisco by Supervisor Katie Tang. The program requires that every place of public accommodation be inspected by a CAsp. The program empowers small business owners to make their space accessible and gives them the tools to make that happen.

Commissioner Downey stated it is an initiative that can be supported by both the business and disability communities where they can proactively partner to make a change in the city of San Francisco. It potentially will be a good model on how to improve accessibility statewide. He suggested inviting someone to make a more complete presentation to the Commission in a future meeting.

**Commissioner Questions and Discussion:**

Vice Chair Dolim asked if it is a repetitive process. Commissioner Downey stated it is a one-time inspection. The inspection will only be repeated when permits are pulled for improvements to facilities.

Commissioner McGuinness stated, even if the unreasonable hardship exception is found, the building still has the obligation under the CBC to provide equivalent facilitation. Commissioner Downey stated the legislation does address special accommodation. He stated he will look into it.

Commissioner Hauge stated he was involved in this legislation and met a number of times. What has made it so successful is the efforts by the supervisor to bring all the sides together to find solutions to this potentially controversial issue.

**Action Items:**

- No action items.

**9. CCDA BILL TRACKING**

**AB 1342 (Steinorth R) California Commission on Disability Access**  
**SB 251 (Roth D) Civil rights: disability access**  
**AB 1521 (Committee on Judiciary Disability) construction-related accessibility claims**

Executive Director Jemmott summarized the three bills staff is tracking.

AB 1342

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Vice Chair Dolim stated this bill requires the property owner to provide the CASp certificate and inspection report to the tenant. Many CASp reports list subtle and more prevalent violations together, which makes it difficult for property owners to focus. Also, CASps prepare reports of varying qualities and levels of experience; property owners may be required to publish an inaccurate report. This bill hurts the disabled community in the end and does not provide the education to the property owner.

Commissioner McGuinness stated the variable quality of CASp reports justifies the Commission's attention to ensure accurate, consistent reporting. Prospective tenants have a right to know if the building has sprinklers, has seismic upgrading, and is ADA accessible. She suggested giving this issue to the Legislative Committee for discussion.

Commissioner Wiele stated the bill assumes CASp reports are authoritative and they may or may not be. The bill also assumes that the condition of the premises on the date that the lease is signed is the condition of the premises that is going to be delivered to the tenant. He stated at least half the leases he has seen involve construction by the landlord after the lease was signed, because specific improvements are not built until the tenant commits to a space. He stated the presumption is that the CASp report is done when the lease is signed, but what gets handed to the tenant is something else entirely. This needs to be addressed or the bill will fail.

SB 251

Commissioner McGuinness stated, although there are beneficial things like tax credits in this bill, there are also areas of great concern. The bill proposes "technical violations" that would not trigger statutory damage awards. She stated the concern of the development of two tiers of access regulations. All regulations are there for health and safety reasons. Just because someone did not get hurt one day does not mean there should not be concern paid to that. All these issues merit review.

Vice Chair Dolim stated this bill creates a timeline of 30 days for a CASp to produce a report. Although timeliness is important, this is not practical in all situations.

Commissioner McGuinness agreed that the Legislature is trying to use CASp reports to do more than they are useful for. When a timeline is mandated because the reports will be relied upon by the court, it gives the presumption that CASp reports have a value and utility that they may not really have. This mandate will interfere with the process of businesses becoming accessible and the process of efficiently resolving disputes.

Vice Chair Dolim agreed and stated the concern that the less experienced CASps will take the work that the more qualified CASps who understand the process will not. Those implications need to be considered. The Commission needs to discuss this bill further and put together a recommendation.

AB 1521

Commissioner McGuinness stated this bill has the potential to reduce litigation. Oftentimes, litigation becomes a battle between defendants over who is responsible.

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This bill sets the default position. However, the bill contains things that will interfere with the rights of the disability community or will have enforcement issues. The bill says that CASp reports filed in the context of litigation will be confidential, which will impede oversight. That is a significant point of concern.

Commissioner McGuinness stated another problem with this bill is the definition of high-frequency litigant, which is defined as any plaintiff who files 12 or more cases in a year, but also includes attorneys who file 12 or more CASp complaints in a year. Attorneys who specialize in representing people with disabilities and access will be defined as high-frequency litigants and will be charged an extra \$1,000 to file and other requirements. This will deprive people with disabilities of having a specialist represent them. She suggested further discussion in the Legislative Committee.

Commissioner Claire stated there is a misconception that CASp certificates are certificates of compliance, when, in fact, they are records of inspection. The CASp reports need to be targeted because certificates offer no protection.

**Action Items:**

- No action items.

**10. BUDGET REPORTING**

Staff Member Embrey gave a summary of the 2015 Budget and Expenditure Summary.

Executive Director Jemmott stated the majority of the projected budget for fiscal year 2015-16 will cover salaries and the per diem for Commissioners. The per diem does not include a travel allotment. There is a travel budget of \$9,500 for meetings.

The second largest part of the budget is consulting and professional service, such as human resources, IT, and the lease. Also, every meeting includes captioning, minutes, and ASL services, if requested.

Commissioners and staff are required to have trainings. Executive Director Jemmott stated Commissioners have opportunities to network for additional funds for training and projects. She gave examples of asking organizations to pay for 1,000 copies of the checklist to distribute statewide, to sponsor the production of a consumer guide, to underwrite a CCDA meeting, or to offer an office space with a free year's lease.

Commissioner McGuinness asked staff to keep a list of potential donors and a running wish list of specific requests or in-kind donations. It would be helpful for Commissioners as they are networking to suggest something concrete. Commissioner Wilson suggested that Commissioners submit ideas for a wish list to the E&O Committee.

Commissioner Paravagna suggested referring this matter to the Executive Committee to produce budget scenarios in the event that budget cuts become necessary, identify what the priorities of the cuts would be, and research fundraising activities for the Commission to engage in. It is easier to deal with budget cuts early in the year.

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Commissioner Hauge asked staff to analyze last year's budget compared to this year's in consideration of the salary savings. It is important for Commissioners to have that information for planning.

Vice Chair Dolim stated there were vacancies on the Commission for most of last year that would affect the travel budget for Commission meetings. He asked staff to add that consideration into Commissioner Hague's request.

Commissioner Downey agreed that it is important to have a clearly-defined problem statement before making future budget plans.

**MOTION:** Commissioner Paravagna moved that the Commission task the Executive Committee with drafting a problem statement and looking at spending priorities and potential cuts, should they be necessary, as well as recommendations for fundraising to be reported in the next Commission meeting. Commissioner Navarro seconded. Motion carried unanimously.

**Action Items:**

- Staff is to keep a list of potential donors and a running wish list of specific requests or in-kind donations.
- Staff to analyze last year's budget compared to this year's.

**11. COMMENTS FROM COMMISSION MEMBERS**

Commissioner Hauge stated an individual from Citizens of California Against Lawsuit Abuse (CALA), who presented at a Commission meeting in the past, mentioned that there are attorneys who bring a disproportionate number of lawsuits on minority communities because they do not speak English and have trouble finding an attorney. He suggested seeing if that is a factor in the lawsuits in the data collection project. Vice Chair Dolim asked staff to put this item on the next Research Committee agenda.

Executive Director Jemmott stated Commissioner Navarro asked her to share information on the ADA 25<sup>th</sup> anniversary event in Los Angeles last week. "Disability Heroes," the booklet created for the event, will be posted on the CCDA website.

Commissioner Downey stated the Ed Roberts Campus in Berkeley has an exhibit called "Patient No More – People with Disabilities Securing Civil Rights," put on by the Paul K. Longmore Institute on Disability. It will be on exhibit until December 18, 2015.

**Action Items:**

- Staff is to add the discussion of the disproportionate number of lawsuits on minority communities to the next Research Committee agenda.

**12. FUTURE AGENDA ITEMS**

Vice Chair Dolim asked Commissioners to email future agenda items to staff.

**13. ADJOURN**

There being no further business, the meeting was adjourned at 4:01 p.m.